

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION

JOSHUA LEE CARROLL, *et al.*, )  
Plaintiffs, )  
v. )  
FENTRESS COUNTY SHERIFF )  
DEPARTMENT, *et al.*, )  
Defendants. )  
No. 2:11-cv-0019  
Judge Sharp  
Magistrate Judge Bryant

**ORDER**

In this case brought by two former inmates of the Fentress County Jail, Magistrate Judge Bryant has entered a Report and Recommendation (“R & R”) (Docket Entry No. 333), recommending that the *Motion for Summary Judgment filed on behalf of Defendant Laurel Wasik* (Docket Entry No. 307) be granted and the case be dismissed with prejudice.<sup>1</sup>

The R & R provides, in part,

... Plaintiff King's complaint against Defendant Wasik is based upon claims of (1) unsanitary conditions at the jail including but not limited to “black mold,” and (2) deliberate indifference to his serious medical needs.

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From [the] evidence [presented], the undersigned Magistrate Judge finds that Plaintiff King has failed to demonstrate a genuine issue of material fact for trial supporting his claim that Defendant Wasik was deliberately indifferent to a serious risk of harm to him resulting from unsanitary conditions within the jail.

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From the undisputed evidence in this record, the undersigned Magistrate Judge finds that Plaintiff King has failed to demonstrate the existence of a material issue of fact regarding Defendant Wasik's alleged deliberate indifference to a serious

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<sup>1</sup> Plaintiff King and Defendant Wasik are the only remaining parties in this action. *See* (Docket Entry Nos. 260 and 320).

risk of injury from unsanitary jail conditions or Plaintiff King's serious medical needs.

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For the reasons stated above, the undersigned Magistrate Judge recommends that Defendant Wasik's motion for summary judgment be GRANTED, and that the complaint be dismissed with prejudice. The undersigned further recommends that all pending motions be DENIED as moot.

(Docket Entry No. 333 at 4, 6-8). Plaintiff King filed a timely eight-page response in opposition to the R & R, and the Court has reviewed such response. (Docket Entry No. 336).

Having thoroughly reviewed the record in this case and the applicable law in accordance with Rule 72(b), the Court will accept the R & R.

Accordingly, the Court hereby rules as follows:

- (1) The Report and Recommendation (Docket Entry No. 333) is hereby ACCEPTED and APPROVED;
- (2) The *Motion for Summary Judgment filed on behalf of Defendant Laurel Wasik* (Docket Entry No. 307) is hereby GRANTED;
- (3) All other pending motions (Docket Entry Nos. 179, 182, 186, 188, 189, 190, 191, 192, 193, 194, 195, 196, 198, 199, 200, 201, 202, 203, 204, 205, 206, 269, 289, 290, 291, 293, 296, 324, 329) are hereby TERMINATED as moot; and
- (4) This case is hereby DISMISSED WITH PREJUDICE.

The Clerk is directed to enter Judgment in a separate document in accordance with Federal Rule of Civil Procedure 58.

**It is SO ORDERED.**

*Kevin H. Sharp*  
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KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE